

Commercial Activities Panel

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United States Code (16 USC 670 et seq.), Department of Defense (DoD) Instructions (DODINST 4715.3), and Congressional intent clearly articulate that the conservation of natural resources under DoD stewardship is government in nature (GIN) and shall not be contracted out. Yet DoD continues to move forward under the direction of the 1998 Federal Activities Inventory Reform Act (FAIR).

There are numerous reasons why natural and cultural resources positions are GIN. Many natural resources programs are commodity based and generate fees. Natural resources management program objectives are often both political and ecological, and at times, conflicting. We must make value judgments and decisions that commit DoD to courses of action with potential long-term repercussions. These are decisions not to be made by a contractor. Effective contract specifications and quality control of natural resources management is contractually impossible. The selection, training, and supervision of individual personnel by a qualified government professional is essential for managing natural resources and cannot be conducted through large contract awards. Government employees provide flexibility for diverse natural resources management work that is not possible through product-based contracts. Long term, adaptive land management projects require staff continuity that is not subject to contracting cycles. Government natural resources personnel invariably demonstrate a deep level of concern, conviction, and even passion for their land. This intangible would be lost in conversion to contracting.

DoD's rationale for subjecting their natural resources manager positions to the A-76 process is entirely based on their interpretation of GIN. Some are convinced that the entire DoD natural resources management program can be effectively run by a few government employees at the regional and headquarters level. DoD is ignoring public laws, Congress, and their own regulations by "bundling" natural resources positions with facilities maintenance and base support functions that are truly commercial in nature.

Natural and cultural resources management is not a commercial activity. You cannot pick up the Yellow Pages and

find a listing for wildlife management, or Native American consultation, or habitat management, or threatened and endangered species management. You may find consultants and researchers for these areas, but no managers. Nor would any of these consultants or researchers have any knowledge of installation specific military missions and the experience to demonstrate their compatibility. It is vital that local, on-the-ground professional government natural resources managers be retained on Federal lands.

Recommendation: Congress must consider an amendment to FAIR that recognizes natural resources as a long-term investment for our nation's future, and that all natural resources positions are inherently governmental and shall not be subject to commercial activities review, outsourcing, privatization, or any successor program which would convert these functions to the private sector.